

**BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS
REGULAR MEETING AGENDA**

APRIL 4, 2007

7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL_____

PRAYER_____

**APPROVAL OF THE MINUTES OF THE
MARCH 21, 2007 REGULAR MEETING AND
THE MARCH 28, 2007 SPECIAL MEETING**_____

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**_____

**PUBLIC COMMENT ON ANY PUBLIC MATTER
NOT ON THE AGENDA**_____

CHIEF EXECUTIVE’S REPORT _____

SECTION I

PUBLIC HEARING

TO HEAR PUBLIC COMMENT ON THE PASSAGE OF RESOLUTION OF
INTENT TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT NO.
1027. (Petition No. 07-2 being held in Committee of the Whole). Proof of publication.

SECTION II

INVITATION FOR BIDS

SEALED BIDS FOR DEMOLITION, REMOVAL AND DISPOSAL OF
DETERIORATED SIDEWALKS AND FURNISHING, PLACING AND
FINISHING OF NEW CONCRETE SIDEWALKS AT VARIOUS LOCATIONS
WITHIN BUTTE-SILVER BOW. (Communication 07-202) Proof of publication.

SECTION III

CONSENT AGENDA

- A.**
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT
 - 5. PERSONNEL COMMITTEE MEETING REPORT
 - 6. RULES COMMITTEE MEETING REPORT

- B.**

PETITIONS

- 1. 07-3 John Harrington, on behalf of Thomas J. Hardesty, to close and vacate Eagle Street east of Hancock Street and the alleys adjacent to Blocks 15 & 20 in the Northern Pacific Addition.
Recommendation to Public Works Committee.

C.

COMMUNICATIONS

1. 07-185 Cindy Lammi, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee**
2. 07-187 Jeffrey L. Miller, Director of Fire Services, requesting Public Hearing be scheduled for 4/18/07 to receive comment concerning amendment to the budget for unanticipated revenue. **Recommendation: schedule public hearing and hold in Committee of the Whole**
3. 07-188 Stephen D. Hess, Acting Planning Director, requesting public hearing be scheduled for 4/11/07 to hear comments regarding Preliminary Plat of Major Subdivision in Hillcrest Addition. **Recommendation: schedule public hearing and hold in Committee of the Whole**
4. 07-189 Ann Drew, Library Director, requesting authorization for Chief Executive to sign Maintenance Contract with Empire Office Machines. **Recommendation: concur and place on file.**
5. 07-190 Robert A. Macioroski, Director Land Office, requesting County Attorney to prepare a resolution and deed for transfer of Parcel No. 303850 to Butte-Silver Bow. **Recommendation: Refer to Committee of the Whole and County Attorney for preparation of resolution.**
6. 07-191 Ed O'Neill, Acting Chief Big Butte Volunteer Fire Department, requesting approval to apply for a grant and matching funds for Big Butte Volunteer Department. **Recommendation: refer to Committee of the Whole.**
7. 07-192 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
8. 07-193 Tim Clark, Personnel Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
9. 07-194 Steve Kambich, City Court Judge, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**

10. 07-195 Mary J. McLaughlin, President, requesting time on the 4/11/07 agenda to make a presentation regarding a replacement structure engine for Little Basin Creek Volunteer Fire Company. **Recommendation: Schedule presentation for 4/11/07 and hold in Committee of the Whole.**
11. 07-196 Philip A. Flannery, Butte Veterans Council, requesting financial support for repair of the Korean War Memorial. **Recommendation: refer to Finance and Budget Committee.**
12. 07-197 Jeffrey L. Miller, Director of Fire Services, requesting bid from Semco Tank/Baker Equipment be rejected and another bid opening be scheduled for 4/18/07. **Recommendation: concur and schedule bid opening for 4/18/07 and hold in Committee of the Whole.**
13. 07-198 Jeffrey L. Miller, Director of Fire Services, requesting authorization for Chief Executive to enter into contract extension with Hinick Associates. **Recommendation: concur and place on file.**
14. 07-199 Thomas M. Malloy, Reclamation Manager, requesting time on 4/11/07 agenda to conduct a bid opening for a tractor/loader/backhoe for Superfund operations and maintenance program. **Schedule bid opening for 4/11/07 and hold in Committee of the Whole.**
15. 07-200 Glen Ballenger, Christy Stack and Cathy Decker, regarding their request to purchase the remainder of the Amy Mining Claim located in Walkerville. **Recommendation: refer to Land Sales Committee and hold in Committee of the Whole.**
16. 07-201 Rob Macioroski, Director Land Records, requesting acceptance of donation of Melrose Cemetery to Butte-Silver Bow and request the County Attorney to prepare the resolution. **Recommendation: refer to the Committee of the Whole and County Attorney for preparation of the resolution.**
17. 07-202 John C. VanDaveer, Public Works Director, requesting time on the 4/4/07 agenda to conduct a bid opening for 2007 Sidewalk Program. **Recommendation: Schedule bid opening for 4/4/07.**
18. 07-203 Charlie O'Leary, Chairman of the Council of Commissioners, requesting concurrence with sending official comment to the U.S. Forest Service with regard to the Price-Powder Salvage Timber Sale. **Recommendation: concur and place on file.**

19. 07-204 Gary Keeler, Transit Director, requesting authorization for Chief Executive to enter into a lease agreement with Greyhound Lines, Inc. **Recommendation: concur and place on file.**
20. 07-205 Gary Keeler, Transit Director, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
21. 07-206 John P. Walsh, Sheriff, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
22. 07-207 Charlie O'Leary, Chairman Council of Commissioners, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
23. 07-208 Karen Byrnes, Director Community Development Department, requesting time on the 4/18/07 agenda to conduct a public hearing to create budget authority for grant funds awarded by Montana Historic Preservation Office. **Recommendation: schedule public hearing for 4/18/07 and hold in Committee of the Whole.**
24. 07-209 David B. Coleman, Commissioner District 8, requesting Council support for a resolution. **Recommendation: refer to Judiciary Committee.**
25. 07-210 Jack Whelan, Carnival Chairman, requesting waiver of license fee for American Legion Silver Bow Post #1 to sponsor a carnival 5/7/07 through 5/14/07 for the benefit of the American Legion Baseball Program. **Recommendation: concur and place on file.**
26. 07-211 Karen Byrnes, Community Development Director, requesting permission to submit a grant request to the CDBG Program on behalf of the Butte Food Bank. **Recommendation: concur and place on file.**
27. 07-212 Jeff Amerman, Finance and Budget Director, requesting authorization for Chief Executive to sign an agreement with MDG Consulting or Professional Services modification of the Butte-Silver Bow budget document. **Recommendation: concur and place on file.**
28. 07-213 Russ Connole, Economic Development Director, requesting authorization for Chief Executive to enter into Economic Development Mill Levy Contract. **Recommendation: concur and**

place on file.

- 29. 07-214 Paul Babb, Chief Executive, requesting concurrence with reappointment of Marlene McMillan to Tax Appeal Board. **Recommendation: concur and place on file.**
- 30. 07-215 Paul Babb, Chief Executive, requesting concurrence with reappointments to the Public Archives Board. **Recommendation: concur and place on file.**
- 31. 07-216 Paul Babb, Chief Executive, requesting concurrence in reappointment of Carl Johnson to serve on the Weed Board. **Recommendation: concur and place on file.**
- 32. 07-217 Paul Babb, Chief Executive, requesting concurrence in the appointment of Todd Tregidga to the Tax Increment Financing Industrial District Board. **Recommendation: concur and place on file.**
- 33. 07-218 John VanDaveer, Public Works Director, requesting authorization for Chief Executive to enter into contract with White Resources, low bidder for sidewalks and curbs for Three Bears Drive. **Recommendation: concur and place on file.**
- 34. 07-219 Jeff Amerman, Finance and Budget Director, requesting approval of line item budget transfer. **Recommendation: refer to the Finance and Budget Committee.**

SECTION IV COMMUNICATIONS TO BE READ AND ACTED UPON

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| 1. | 07-186 | John P. Walsh, Sheriff, requesting confirmation of appointment of William St. Pierre as a permanent member of the Butte-Silver Bow Law Enforcement Department |
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**SECTION V ORDINANCES AND RESOLUTIONS –
REferred TO JUDICIARY**

- 1. COUNCIL BILL NO. 07-5**
ORDINANCE NO. 07-5

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCES NO. 7 AND 53 AND CHAPTERS 2.48 AND 17.54 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "BOARD OF ADJUSTMENT"; AMENDING SECTIONS 2.48.090 AND 17.54.090, b-SB MC; DELETING REFERENCE TO APPEAL TO THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 76-2-327, MCA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

- 2. COUNCIL RESOLUTION NO. 07-21**

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-406, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF TRANSPORTATION TRAFFIC SAFETY BUREAU TO PURCHASE THREE VIDEO VEHICLE CAMERAS AND FIVE PORTABLE BREATH ANALYZERS TO BE EXPENDED IN THE GENERAL FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

- ### 3. COUNCIL RESOLUTION NO. 07-22

A RESOLUTION DIRECTING THE BUTTE-SILVER BOW TREASURER TO MAIL NOTICE OF PENDING TAX DEED ISSUANCE TO ALL PERSONS CONSIDERED INTERESTED PARTIES FOR EACH PROPERTY FOR WHICH THERE HAS BEEN ISSUED A TAX CERTIFICATE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 15-18-212, MCA; FURTHER DIRECTING THE TREASURER TO ISSUE TAX DEED FOR THOSE PARCELS OF PROPERTY WHERE THERE HAS BEEN ISSUED A TAX CERTIFICATE AND THE EXPIRATION DATE OF THE REDEMPTION

THE UNIFORM PLUMBING CODE AND DELETING APPENDIX H AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VII

RESOLUTIONS FOR FINAL READING

1. COUNCIL RESOLUTION NO. 07-16

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF TAX DEEDED REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 07-18

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HEALTH DEPARTMENT FROM THE STATE OF MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO BE EXPENDED IN THE BUTTE-SILVER BOW HEALTH DEPARTMENT FUND FOR FAMILY PLANNING TITLE X SERVICES, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VIII COUNCIL RESOLUTIONS AND ORDINANCES – SUSPENSION OF THE RULES FOR FINAL PASSAGE

1. COUNCIL RESOLUTION NO. 07-23

A RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE TENDER OPTION MUNICIPAL FINANCE CONSOLIDATION ACT BONDS (INTERCAP REVOLVING PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE EXECUTIVE AND DELIVERY OF DOCUMENTS RELATED THERETO AND PROVIDING AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 07-24

A RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE TENDER OPTION MUNICIPAL FINANCE CONSOLIDATION ACT BONDS (INTERCAP REVOLVING PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE

EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO
AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION IX CALENDAR OF OTHER MEETINGS AND EVENTS

Mar. 28	Port of Montana	Noon	Hub Center
Mar. 28	Urban Revitalization	9AM	Chief Executive's Conference Room
Mar. 29	Planning Board	7PM	Council Chambers
Apr. 2	Airport Authority	Noon	Bert Mooney Airport
Apr. 3	Historic Preservation Committee	Noon	Health Department
Apr. 3	Weed Board	7PM	Weed Department
Apr. 4	Butte Aids Support Services	7PM	Community Center
Apr. 4	Fire Advisory Council	5PM	Chief Executive's Conference Room
Apr. 4	Health Department	7AM	Health Department
Apr. 4	Community Enrichment	3:30PM	1st Floor Conference Room
Apr. 5	Civic Center	5PM	Civic Center Hospitality Room
Apr. 5	TIFID Board	Noon	304 W. Mercury
Apr. 9	Archives	Noon	Archives Center
Apr. 11	Law Enforcement Commission	4PM	Chief Executive's Conference Room
Apr. 11	Library	5AM	Library Building
Apr. 16	Airport Authority	Noon	Bert Mooney Airport
Apr. 17	Technical Review Committee	1:30 PM	Water Company Building
Apr. 17	Parks and Recreation Board	4:15 PM	Civic Center Conference Room
Apr. 17	Historic Preservation Commission	4:30 PM	Chief Executive's Conference Room
Apr. 17	Housing Authority	5:30 PM	Silver Bow Homes Housing
Apr. 17	Parking Commission	4 PM	Chief Executive's Conference Room
Apr. 18	Fair Board	5:30 PM	Chief Executive's Conference Room
Apr. 18	Community Enrichment	3:30 PM	1st Floor Conference Room
Apr. 19	Business Development Center	10 AM	Business Development Center
Apr. 19	Zoning Board of Adjustment	5:30 PM	Council Chambers

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COMMITTEE OF THE WHOLE MEETING REPORT

MARCH 28, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Committee of the Whole, respectfully recommend as follows:

SECTION I

PRESENTATION

COMMUNICATION NO. 07-120

JAMIE PAUL, DIRECTOR HEALTH PROMOTION AND FAMILY SERVICES, REQUESTING TIME ON 3/28/07 AGENDA FOR A PRESENTATION BY TEENS ADVOCATING A SAFE COMMUNITY (TASC).

Dan Dennehy, Director of Health Department, came to the microphone. He introduced the President of Tasc, Ethan Keeler; Vice President, Kyler Kingston; Secretary, Sara Hambloc; Treasurer, Sheila Rover and Public Relations Officer, Jennifer DuToit. He also introduced his staff members, Julie Janacaro, BSB Health Drug Court; Jamie Paul, Health, Promotion and Prevention Services; Wes Peters, Butte High School Science Department; Shirley Gordon, Butte High School nurse; Sherry Carlson, Tobacco Prevention Specialist; Mary Jo Stosich, Safe Kids, Safe Community Program; Lisa Andrews, Drugs in Schools; Ben Pezdark, Educator and Prevention Specialist. They presented their program to the Council. **It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried by a unanimous verbal vote to place on file.**

SECTION II

PUBLIC HEARING

COMMUNICATION NO. 07-163

KAREN BYRNES, COMMUNITY DEVELOPMENT DIRECTOR REQUESTING PERMISSION TO HOLD A PUBLIC HEARING 3/28/07 TO DISCUSS CDBG GRANT APPLICATION FOR BUTTE FOOD BANK & SUBMIT A PUBLIC FACILITY APPLICATION GRANT ON BEHALF OF THE BUTTE FOOD BANK. (Communication No. 07-163 being held in Committee of the Whole). **Proof of Publication was noted and placed on file.**

Karen Byrnes, Community Development Director, came to the microphone gave a brief overview of the CDBG Grant and the Public Facility Application Grant. She then introduced Joann Cortese of the Butte Food Bank. Ms. Cortese explained how the Food Bank operates. The CDBG Grant will improve the infrastructure of the building recently purchased by the Food Bank at 1019 E. Second Street. Building and Health inspectors suggested infrastructure improvements. The major issue is to install a new and insulated roof. We need to have in place refrigeration units and stainless steel tables. We need to take care of the drain pipes outside. They need to be underground.

Carpets need to be replaced. Smoke detectors and carbon monoxide detectors. need to be installed, damaged sheetrock replaced, additional insulation and light fixtures. They will have an open house on the 9th of April. Jim Cortese then came to the microphone and said they needed to expand because the present location is not in compliance with the health or safety issues. They are dependent on wild game. They store that through the year. This year they were offered 2,000 pounds of meat and they couldn't accept it because they did not have enough freezer space. In the new facility they will be able to handle it. Butte has the smallest food bank of the seven largest cities in Montana. Most of the cities have what they call the Food Rescue Program. They go around to various places and pickup the food that is not used. It takes a refrigerated truck to go around and pick up the food and as soon as the food is brought into the Food Bank, it is brought into a sanitary kitchen area where the food is repackaged and is immediately frozen. We would like to participate in this program.

Chairman O'Leary opened the public hearing and called for any proponents. The following proponents came forward:

JoAnn Cortese, 2230 Grand Avenue
Jim Cortese, 2230 Grand Avenue
Russ Connoles, 1709 Gladstone

No opponents came forward and Chairman O'Leary closed the public hearing at 7:30 PM. Commissioner Lee moved to place Communication No. 07-120 on file. The motion was seconded by Commissioner Coleman and passed by a unanimous verbal vote.

SECTION III

PRESENTATION COMMUNICATION NO. 07-182

RUSS CONNOLES, ECONOMIC DEVELOPMENT DIRECTOR, REQUESTING TIME ON 3/28/07 TO PRESENT TIFID #2 ANNUAL REPORT. (Communication No. 07-182 being held in Committee of the Whole). Proof of Publication was noted and placed on file.

Russ Connoles came to the microphone and read his Annual Report on TIFID. He gave a handout to the Commissioners. NOTE: a full copy of this report is available in both the Clerk and Recorder's Office and the Commissioner's office.

It was moved by Commissioner Lee, seconded by Commissioner Coleman and carried a unanimous verbal vote to place Communication No. 07-182 on file.

SECTION IV

PUBLIC HEARING COMMUNICATION NO. 07-164

KAREN BYRNES, COMMUNITY DEVELOPMENT DIRECTOR, REQUESTING PERMISSION TO HOLD A PUBLIC HEARING 3/28/07 TO DISCUSS CDBG GRANT APPLICATION FOR ECONOMIC DEVELOPMENT FUNDS AND SUBMIT AN ECONOMIC DEVELOPMENT GRANT APPLICATION.

(Communication No. 07-164 being held in Committee of the Whole). Proof of Publication was noted and placed on file.

Karen Byrnes, Community Development Director, explained that Butte is not an entitlement community and must compete for dollars. Butte is eligible to apply for two grants under this category because of our consolidated county-city status. We can apply for \$800,000 in funds for two separate projects. She turned the program over to Andy Zdinak and Jim Smitham. Andy Zdinak explained they are now assisting Masters Group with preparing an application to request funds from CDBG. They are planning to open a warehouse distribution center at the warehouse at the Kelly Mine. This is contingent on them obtaining ownership of the building. They are applying for \$400,000 from the CDBG. They plan to hire 18 fulltime employees and hope to expand to 55 workers by 2008.

Jim Smitham, Director of the BLDC, the other applicant for the CDBG grant, is Panterra Minerals LLC. It is a Montana based company. They are going to be producing a sulphur based fertilizer for agriculture and industrial uses. They plan to hire when they are fully operating 22 people. They will be erecting a building in the Port of Montana Area.

Chairman O'Leary opened the public hearing and called for proponents.

Jim Smitham, 15 Redwood Drive, asked them to support the application

Andy Zdinak 250 Roosevelt Drive, in favor of the application.

Chairman O'Leary then called for opponents. There were none and he called the public hearing closed. **Commissioner Lee moved to place Communication No. 07-164 on file. Commissioner Coleman seconded the motion and it passed with a unanimous verbal vote.**

SECTION V

PETITION NO. 07-2

PATRICK J. RIORDAN, BSB SID ADMINISTRATOR REQUESTING CREATION OF SPECIAL IMPROVEMENT LIGHTING DIST. #1027 AND REQUESTING COUNCIL PASS A RESOLUTION OF INTENT AND SCHEDULE A PUBLIC HEARING ON 04/04/07. (Communication No. 07-184 being held for Public Hearing). Committee recommends that Petition No. 07-2 be held in abeyance

SECTION VI

COMMUNICATION NO. 07-36

Jeff Miller, Director of Fire Services, requesting authorization for Chief Executive to seek funding on behalf of Butte-Silver Bow Fire Department through Montana Board of Investments Intercap Loan Program. **Committee recommends that Communication No. 07-36 be held in abeyance pending introduction of a resolution**

SECTION VII**COMMUNICATION NO. 07-96**

Glen Granger, Commissioner District 1, regarding letter from Michelle Cavanaugh stating concerns with the Senior Housing Development on Continental Drive. *Committee recommends that Communication No. 07-96 be placed on file.*

SECTION VIII**COMMUNICATION NO. 07-118**

John P. Walsh, Sheriff, requesting approval of DUI Task Force Plan and requesting resolution be drawn up by County Attorney. *Committee recommends that Communication No. 07-228 be held pending introduction of a resolution.*

SECTION IX**COMMUNICATION NO. 07-129**

Lori Casey, Senior Planner, requesting conditional approval of Preliminary Plat of the Highland Minor Subdivision. *Committee recommends that Communication No. 07-129 be held in abeyance.*

SECTION X**COMMUNICATION NO. 07-133**

John P. Walsh, Sheriff, requesting time on 3/21/07 agenda to conduct a public hearing to amend the FY 06-07 budget to receive unanticipated revenue from the Montana Department of Transportation. *Committee recommends that Communication No. 07-133 be placed on file.*

SECTION XI**COMMUNICATION NO. 07-154**

Jim Smitham, Executive Director BLDC, requesting Council approve resolution granting Butte-Silver Bow the authority to submit the CDBG-Ed application to the Department of Commerce and also to approve the BLDC as the administering entity for the Grant/Loan for Masters Group International, LLC. *Committee recommends that Communication No. 07-154 be placed on file.*

SECTION XII**COMMUNICATION NO. 07-155**

Jim Smitham, Executive Director BLDC, requesting Council approve resolution granting Butte-Silver Bow the authority to submit the CDBG-Ed application to the Department of Commerce and to approve the BLDC as the administering entity for the grant/loan for Panterra Minerals. *Committee recommends that Communication No. 07-155 be placed on file.*

SECTION XIII**COMMUNICATION NO. 07-159**

Frank Walsh, Chairman AN RI RA Montana Irish Festival requesting street closure from 6 PM 8/9/07 thru 6 PM 8/12/07, and reroute traffic for 5K and 10K

races and use of Emma park on 8/12/07. *Committee recommends that Communication No. 07-159 be held while going through the process.*

MARCH 28, 2007

Ladies and Gentlemen:

We, your Finance and Budget Committee, respectfully recommend as follows:

SECTION I **COMMUNICATION NO. 07-142**

Jeff Amerman, Finance and Budget Director, regarding request for \$174,712 loan payment to Butte Local Development Corporation. ***Committee recommends that Communication No. 07-142 be held in abeyance for two weeks.***

SECTION II **COMMUNICATION NO. 07-156**

Ellen Crain, Archives Director, requesting approval of line-item budget transfers.
Committee recommends that Communication No. 07-156 be approved and passed.

SECTION III **COMMUNICATION NO.07- 166**

Bill Melvin, Civic Center Director, requesting approval of line-item budget transfers. ***Committee recommends that Communication No. 07-166 be approved and passed.***

SECTION IV

COMMUNICATION NO. 07-167

Bill Melvin, Civic Center Director, requesting approval of line-item budget transfers. *Committee recommends that Communication No. 07-167 be approved and passed*

SECTION V **COMMUNICATION NO. 07-170**

Jeff Miller, Director of Fire Services, requesting approval of line-item budget transfers. *Committee recommends that Communication No. 07-170 be approved and passed.*

SECTION VI**COMMUNICATION NO. 07-175**

Mary McMahon, Clerk & Recorder, requesting approval of line-item budget transfers. *Committee recommends that Communication No. 07-175 be approved and passed*

SECTION VII**COMMUNICATION NO. 07-179**

John P. Walsh, Sheriff, requesting approval of line-item budget transfers. *Committee recommends that Communication No. 07-179 be approved and passed.*

SECTION VIII**EXPENDITURE APPROVAL**

Committee recommends to withhold payment of item #8617 and subtracting that amount for the final total of \$402,946.91 and paying the balance thereof. Hold payment of that claim in abeyance for one week.

JUDICIARY COMMITTEE MEETING REPORT

MARCH 28, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I

COMMUNICATION NO. 06-673

Mark and Shirley Rule, requesting proposal to enter into 5-year lease and one 5-year renewable term of Rose and Shamrock Mining Claim #2829, Lot 599 on Moulton Reservoir Road. ***Committee recommends that Communication No. 06-673 be held in abeyance for two weeks.***

SECTION II **COUNCIL BILL NO. 05-11**
ORDINANCE NO. 05-11

AN ORDINANCE CREATING A NEW CHAPTER WITHIN THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) TO BE ENTITLED “SECONDHAND GOODS” TO BE NUMBERED CHAPTER 5.66, B-SB MC; ESTABLISHING REGULATIONS FOR ALL SECONDHAND DEALERS INCLUDING SECONDHAND STORES, PAWNBROKERS, COIN DEALERS, AND DEALERS IN PRECIOUS AND SEMI-PRECIOUS METALS OR STONES; ESTABLISHING REPORT REQUIREMENTS; SETTING LICENSING FEES; ESTABLISHING PENALTIES FOR VIOLATION; REPEALING CHAPTERS 5.36 AND 5.44, B-SB MC AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 05-11, Ordinance No. 05-11 be approved and moved to second reading.*

SECTION III **COUNCIL BILL NO. 07-4**
ORDINANCE NO. 07-4

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCES NO. 195, 266, 398 AND 04-5 AND TITLE 15 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “BUILDING AND CONSTRUCTION”; AMENDING CHAPTER 15.04 ENTITLED “BUILDING CODE”; AMENDING CHAPTER 15.07 ENTITLED “INTERNATIONAL EXISTING BUILDING CODE”; AMENDING CHAPTER 15.10 ENTITLED “FIRE CODE”; AMENDING CHAPTER 15.14 ENTITLED “MECHANICAL

CODE”; AMENDING CHAPTER 15.15 ENTITLED “INTERNATIONAL FUEL CODE”; AMENDING CHAPTER 15.16 ENTITLED “PLUMBING CODE”; AMENDING SECTION 15.04.010 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE AND APPROPRIATE ARM CHANGES; AMENDING SECTION 15.04.075 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, AMENDING SECTION 15.07.010 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, AMENDING SECTION 15.10.010 AND ADOPTING THE 2003 EDITION OF THE NFPA 1 UNIFORM FIRE CODE; AMENDING SECTION 15.14.010 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL MECHANICAL CODE, AMENDING SECTION 15.15.010 AND ADOPTING THE 2006 EDITION OF THE INTERNATIONAL FUEL CODE AND AMENDING SECTION 15.16.010 AND ADOPTING THE 2006 EDITION OF THE UNIFORM PLUMBING CODE AND DELETING APPENDIX H AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Bill No. 07-4, Ordinance No. 07-4 be approved and moved to second reading.*

SECTION IV

COUNCIL RESOLUTION NO. 07-13

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE HIGHLAND RIDGE MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Resolution No. 07-13 be held in abeyance for two weeks.*

SECTION V

COUNCIL RESOLUTION NO. 07-16

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF CERTAIN PARCELS OF TAX DEEDED REAL PROPERTY OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-16 be approved and passed to final reading.*

SECTION VI

COUNCIL RESOLUTION NO. 07-18

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL OF COMMISSIONERS IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW HEALTH DEPARTMENT FROM THE STATE OF MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO BE EXPENDED IN THE

BUTTE-SILVER BOW HEALTH DEPARTMENT FUND FOR FAMILY PLANNING TITLE X SERVICES, AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. *Committee recommends that Council Resolution No. 07-18 be approved and passed to final reading.*

PUBLIC WORKS COMMITTEE MEETING REPORT MARCH 28, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Public Works Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 05-66

Charlie O'Leary, Commissioner District 5, requesting speed limits and urban highway designations on a portion of Western Blvd. and also Meadowlark. *Committee recommends that the speed limit recommendation from the study done by the Department of Highways to increase the speed limit to 35 MPH on Western Blvd from Holmes Avenue to Meadowlark Lane and on Meadowlark Lane from Western Boulevard to Harrison Avenue be forwarded to the County Attorney to prepare the ordinance. Hold in abeyance.*

SECTION II COMMUNICATION NO. 06-146

Joseph E. Lee, Commissioner District #2, requesting traffic study/intersection of Amherst and Farragut. *Committee recommends that the communication be referred to the Public Works Department to complete the field work and placed Communication No. 06-146 on file.*

SECTION III COMMUNICATION NO. 06-661

John Sesso, Planning Director, requesting council prioritize road improvement project – intersection of Beef Trail Road and Little Basin Creek Road. *Committee recommends that Communication No. 06-661 be held in abeyance.*

SECTION IV COMMUNICATION NO. 06-701

Marko Lucich, Executive Director Chamber of Commerce, requesting time on the Public Works Agenda to make a presentation on the progress on the Green Belt Conceptual Plan (Berkeley Pit Viewing Stand). *Committee recommends that Communication No. 06-701 be held in abeyance.*

SECTION V**COMMUNICATION NO. 07-117**

Antone J. Matule, regarding traffic accident at Dewey – Harrison Avenue intersection and competence of police officers. *Committee recommends that Communication No. 07-117 be held in abeyance.*

SECTION VI**PETITION NO. 07-1**

John Harrington, Building Official, requesting on behalf of Steve and Sharon Wilson to close and vacate a portion of Henry Street. *Committee recommends approval and asks that the County Attorney be requested to prepare the proper resolution.*

SECTION VII**COMMUNICATION NO. 07-165**

Cindi Shaw, Commissioner District No. 11, request for review of traffic concerns on E. Woolman St. *Committee recommends that Communication No. 07-165 be held in abeyance.*

PERSONNEL COMMITTEE MEETING REPORT MARCH 28, 2007

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ladies and Gentlemen:

We, your Personnel Committee, respectfully recommend as follows:

SECTION I

COMMUNICATION NO. 06-730

Jeff Amerman, Finance and Budget Director, requesting time on 12/20/06 agenda to make an informational report on payroll issues. *Committee asks that meeting be rescheduled for April 11, 2007.*

**RULES COMMITTEE MEETING
6:30 PM COURTHOUSE COUNCIL CHAMBERS**

SECTION I

COMMUNICATION NO. 06-7

Mary McMahon, Clerk and Recorder requesting review of Rules and Order of Business. ***NOTE: Rules Committee did not meet.***

SUSPENSE FILE

SECTION I

COMMUNICATION NO. 04-117

Charlie O'Leary, Commissioner District 5, regarding support for the creation and placement of a sign near the Webster-Garfield School on Montana. **(Placed in Suspense 7/26/06)**

SECTION II

COMMUNICATION NO. 05-598

Jeff Amerman, Finance and Budget Director regarding time on 10/05/05 agenda to make a presentation to Council regarding internal control policies and procedures. **(Placed in Suspense 7/26/06)**

SECTION III

COMMUNICATION NO. 06-69

Charlie O’Leary, Commissioner District 5, regarding creation of an ordinance to be located in Section 6 of the BSB Municipal Code Book – Animals. **(Placed in Suspense 2/28/07 – for 60 days)**

SECTION IV

COMMUNICATION NO. 06-210

Robert M. McCarthy, County Attorney regarding Butte Community Ice Center at Clark Park. **(Placed in Suspense 5/31/06)**

SECTION V

COMMUNICATION NO. 06-454

John Rolich, Registered Sanitarian, Public Hearing set for 8/2/06 concerning community decay violations at 835 8th Street. **(Placed in Suspense 11/29/06)**

SECTION VI

COMMUNICATION NO. 05-531

Charlie O’Leary, Commissioner District 5, requesting Council refer to Judiciary Committee for the purpose of declaring Gas Tax Road 235 (a/k/a the East Portion of Forest Service Road 84) as a county road. **(Placed in Suspense 2/28/07 – for 90 days)**

SECTION VII

COMMUNICATION NO. 06-659

Mike Sheehy, Commissioner District 10, regarding paving of Hill Top Apartments’ Driveway. **(Placed in Suspense 2/28/07)**

SECTION VIII

COUNCIL BILL/ORDINANCE 06-2

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. 204 AND SECTION 10.40.050 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “SPEED LIMIT”; ESTABLISHING A 35 MPH SPEED LIMIT ON HANSEN ROAD BEGINNING AT ITS INTERSECTION WITH BEEF TRAIL ROAD AND MONTANA STREET ON THE NORTH AND CONTINUING SOUTH TO A POINT 0.702 MILES ON THE SOUTH; ESTABLISHING A 25 MPH SPEED LIMIT ON HANSEN ROAD FROM A POINT 0.971 MILES SOUTH OF ITS INTERSECTION WITH BEEF TRAIL ROAD AND MONTANA STREET ON THE NORTH TO HOLMES AVENUE ON THE SOUTH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **(Placed in Suspense 2/238/07 for 60 days.)**